

S P E E C H

OF

MR. JOHN B. WELLER, OF OHIO,

ON

THE VETO MESSAGE:

DELIVERED

IN THE HOUSE OF REPRESENTATIVES,

JUNE 30, 1842.

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## SPEECH.

Mr. WELLER said he should not have troubled the House with a single word upon this question, if it had not been for the remarks made by gentlemen on the other side of the hall, in relation to the party to which he was attached in principle and in feeling. Two gentlemen, prominent members of the dominant party here, have said that the veto of the President upon this tariff bill was the consummation of a treaty which has long been pending between the President and the Democratic party. The chairman of the Committee of Ways and Means, [Mr. FILLMORE,] a man occupying no ordinary position upon this floor, has seen proper to indorse this charge. Here, then, is a declaration from a responsible gentleman, who, in the main, is exceedingly cautious in his assertions, and whose opinions are always entitled to respect. He was, therefore, bound to presume that he [Mr. FILLMORE] had some evidence, satisfactory to his own mind, at least, upon which to base the charge. If there be such evidence, I (said Mr. W.) demand that it shall be submitted to the House. Idle declarations, or bold and reckless charges, no matter by whom made, are of little consequence, either here or before the people, unless they are sustained by facts. He would undertake to say that no overtures whatever had been made by either party, and that the idea had its origin alone in the heated brain of Whigery.

But the chairman also said that the Democrats now had the President, and, with him, the offices; that a fondness for the spoils was one of the characteristics of the Democracy. Sir, (said Mr. W.) I am astonished to hear such remarks from that distinguished gentleman. What! the Democrats the "spoils men?" Has he forgotten what about the 4th March, 1841, this city was crowded, from one end of it to the other, with applicants for office? Has he forgotten that the very moment it was ascertained that General Harrison was elected to the Presidency, thousands upon thousands made a pilgrimage to his residence in Ohio, begging for office at his hands? Has he forgotten that the old man was constantly beset on his way here, and was scarcely allowed an hour for repose? In this city he was pursued day and night, until his peace of mind was destroyed, and his body worn out, and

the grave at last hid him from these importunities. Not less than fifteen thousand office-seekers witnessed his inauguration. Such a horde of subservient beggars never before congregated at any one place upon the civilized globe. Were these the "spoils men," or were they the *patriotic office-hating Whigs*? Were these the men whose vociferous denunciations against the office-holders, against proscription for opinion's sake, had been heard upon every hill and in every valley of this mighty empire? The gentleman judges the Democrats by his own party; and in this he does them great injustice. It is quite probable that, if he and some of his friends had gotten a larger share of the "spoils," they would have been more sparing in their invectives against the President.

But (continued Mr. W.) could the gentleman from New York show that a single member of the Democratic party in this House had been an applicant for any appointment whatever under the present Administration? Was it not notorious that nearly all the executive appointments had been made from the ranks of the Clay Whigs? Is it not well known that some of those who are now so violent in their denunciations of Mr. Tyler, have been unsuccessful applicants for office? There is no great difficulty, therefore, in accounting for the charges of treason and perfidy which are alleged against him.

If he recollected rightly, the other gentleman from New York, [Mr. GRANGER,] who left the late Cabinet under *peculiar* circumstances, said that he stood now where he stood in 1840, when he fought the memorable battle of that year with the universal Whig party—that he still held on to the glorious principles involved in that contest! Why, Mr. Speaker, where did he stand then? By his "principles!" No, sir. He stood by a cider-barrel, upon the broad platform of a coon-skin. Has he concluded, in this hour of misfortune, to throw himself back upon these glorious "first principles?" Will any gentleman be good enough to tell us what were the principles for which the universal Whig party contended in 1840? Surely it cannot be pretended that a high tariff, and a distribution of the proceeds of the public lands, were amongst the questions decided! In that portion of Ohio which he had the

honor to represent, no such issues were presented.

The gentleman from New York [Mr. GRANGER] stands by his "principles!" What were the principles upon which that gentleman entered the cabinet of General Harrison? Did he stand pledged to put down proscription? He, too, talks about the "spoils!" Will he be good enough to tell me how many victims were guillotined whilst he stood at the head of the Post Office Department?

Mr. GRANGER. Does the gentleman from Ohio desire an answer to his question?

Mr. WELLER. Certainly I do, and will be very much obliged to him if he will give it.

Mr. GRANGER said he would respond with pleasure. There had been about 1,700.

Mr. WELLER. SEVENTEEN HUNDRED! And how many more would have been turned out, if the gentleman had remained in office two weeks longer?

Mr. GRANGER said he would answer that, too. If he had remained in office a little longer, he would have turned out 3,000 more—making 4,700 in all.

Mr. WELLER. A precious admission, indeed! Out of the FOUR THOUSAND SEVEN HUNDRED which he designed removing, *seventeen hundred* fell victims to the guillotine, before the gentleman was victimized himself. And yet, sir, we hear this gentleman talking about the "spoils men!" Why, if he could have kept his own head upon his shoulders for a few weeks longer, not a single Democrat would have been found in the Post Office Department. Sir, (said Mr. W.), I can almost imagine I see the ex-Postmaster General luxuriating over the spoils which his office enabled him to distribute. With what ecstatic pleasure he applies the knife to his Democratic victim! What a proud smile of exultation lights up his countenance, when he discovers his political foe prostrate before him! He (Mr. WELLER) would undertake to say here in his place, that he [Mr. GRANGER] had removed men from office for no other reason under heaven, than because they had voted for Van Buren. He put it to the gentleman whether such was not the fact?

[Mr. GRANGER said he was not now prepared to answer the question; but, if the papers were as he had left them, the gentleman would find as nice a set of records as were ever kept before an execution.]

Mr. WELLER said this was no reply at all to his question. He made a distinct charge, and had hoped the gentleman would make a direct response. Had he denied the charge, he (Mr. W.) was prepared with proof; and this, possibly, the gentleman knew, and for that reason evaded the inquiry. He

could establish the fact, beyond the possibility of a doubt, that men had been removed by him solely because they were Democrats. Yet, what a clamor about the "spoils men!" If the President had retained certain gentlemen in office, it is quite likely he would have been treated with more courtesy than he has been. Had the gentleman from New York retained his "spoils," and been enabled to glut his vengeance upon the Democracy, it is probable he would have been in a better humor than he seemed to be on yesterday. He meant no disrespect to the gentleman; for, personally, he cherished no unkind feelings towards him.

If (said Mr. W.) the Whig party had obtained power by fair and honorable means, I could sympathize with them in their present unfortunate condition. It is, indeed, a melancholy sight, to see this "universal Whig party"—after struggling fortwelve long years, and spending all their money, and much of their reputation, to obtain power—now divided and distracted to such an extent as to render them impotent. At the last session of the 26th Congress, shortly before General Harrison was inaugurated, the gentleman from Indiana, [Mr. LANE,] who has just taken his seat, favored the House with a funeral elegy upon the Democratic party. He came here then in the pride of his strength, as though he supposed Whigery was destined to remain in power forever. The flag of his party waved in triumph over the nation. He told us that the Democrats were dead, without the hope of resurrection. It was (said Mr. W.) my fortune to reply to the gentleman on that occasion. I told him then that he was mistaken; that, although defeated, we were not annihilated; that our forces, although then scattered, would soon be rallied, and be in the field, with increased energy and renewed zeal; that the glorious cause in which we were engaged would never be abandoned. He then told gentlemen that divisions existed in their ranks, which would ultimately render them as weak and powerless as a child in its mother's lap; he showed them then the rocks upon which they would split: and, without making any pretension whatever to the character of a prophet, he would ask whether his predictions had not been verified. Sir, (said Mr. W.) their present condition is a most righteous judgment upon them. Such, he trusted, would be the fate of every party which resorted to fraud and deception to attain its ends.

Gentlemen on the other side have discussed this veto message as though the House of Representatives was alone vested with the power of enacting laws. If such be the fact, why send bills to the Senate and to the President for their concurrence? The Constitution expressly provides that—

"Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be pre-

sent to the President of the United States; if he approves, he shall sign it; but if not, he shall return it, with his objections," &c.

It is, therefore, necessary, before an act can become a law, that it should be sent to the President. Do gentlemen regard his signature to a bill as a mere matter of form? Is he bound to sanction any and every measure which may be presented to him by the majority in Congress? He would refer gentlemen to the inaugural address of General Harrison for the constitutional doctrine on this subject. It never was designed by the framers of the Constitution that the President should be a mere automaton, to be used by Congress at their pleasure. If a bill is presented to his consideration, which he believes violates the Constitution, he must veto it, or else he stands convicted of perjury. If a measure is submitted to him which has passed Congress in haste, without due deliberation, and which, in his judgment, is calculated to exercise an injurious influence over the interests of the people, he must withhold his signature, or he is a traitor to his country. If this power be a dangerous one, let it be eradicated from the Constitution. He believed it was a conservative power, and that there was but little probability that it would ever be exercised to the injury of public liberty. It is a power which the Executive will always use with great reluctance, because he will not, as a matter of choice, array himself against a majority in Congress. But gentlemen argue as if this veto was absolute, unqualified. Now, what is the effect of a veto? Does it defeat the bill? No, sir: it sends the measure back to Congress for its reconsideration; and if two-thirds are found to be in favor of it, it becomes a law without his signature. But suppose there are not two-thirds for the bill. If the measure is clearly for the benefit of the country, the people can send a sufficient number here at the succeeding Congress to pass it; or, if that cannot be done, at the end of the Presidential term a majority can, at the ballot-box, apply the remedy. So that, at the worst, the veto only suspends the law during the brief term of the President.

The advocates of this "half-hour tariff bill" have said that it had the sanction of the people; that it was indorsed by public sentiment; and that, in vetoing it, the President committed an outrage upon the will of the people! The President is elected by the people; he derives his power from them; and to them he is answerable for his conduct. He has as much right to say that he is acting in conformity with the will of the people as we have. It may well be doubted whether the majority in this House truly represents the popular will. The recent elections in a number of the States place some forty gentlemen of the Whig party in the attitude of misrepresenting their constituents. Whatever may

have been decided in the contest of 1840, the late elections show a remarkable change in public sentiment.

He then referred to the manner in which the land bill was carried through Congress at the extra session, and the proviso which was attached to it. Now, said he, it was well known that that proviso, which forbids the distribution if at any time it should become necessary to raise the duties on imports over 20 per cent., was inserted because it was known that its omission would drive the President to a veto. His opinion upon this subject was well understood. Gentlemen on one side said they would not have voted for the land bill if that had not been inserted; while others avow that they voted for it as a compromise, but with a determination to repeal it (the proviso) at as early a day as possible. An effort is now made to avoid that provision. The object which the dominant party here had in view when they passed the bill now before us, was to commit the President to the principle of distributing the land revenue while the duties were over 20 per cent., thus repealing the proviso alluded to. If they could induce him to recognise the principle for one month, then they might hope to obtain a high tariff and distribution both. It is true that, by this bill, the distribution of the proceeds of the public lands is suspended till the 1st of August; but this fund would be accumulating while the duties were over 20 per cent.—thus violating the spirit of the proviso. In short, the act was passed to "head" the President, and, like many other efforts made on this floor, has proved unsuccessful.

This tariff bill was passed in "hot haste." The Committee of Ways and Means held it back until the day at which gentlemen say the revenue laws expire had nearly arrived, and then forced it through this House with scarcely an hour's consideration.

Mr. FILLMORE said he desired it to be understood that the Committee of Ways and Means was not responsible for the resolution he introduced for taking the bill out of committee. That resolution was entirely his own, and offered on his own individual responsibility. He also took the present occasion to correct an assertion repeatedly made in one of the papers of the city, and on the floor of the House, that he had endeavored to have the provisional tariff bill passed in half an hour. The truth was, when he offered his resolution, the bill had been under discussion one whole day, [laughter:] and unless decided then, would have to go over to the next week. Conceiving the necessity for its speedy passage, there was no other course which he could have adopted to effect that object.

Mr. WELLER said his recollection of the circum-

stances was this: In the afternoon of the day on which the bill was introduced, the gentleman from Virginia [Mr. GILMER] obtained the floor, and the committee rose; when the gentleman from New York [Mr. FILLMORE] submitted a resolution for stopping all debate in half an hour! It might have been debated three or four hours that day; but was that sufficient time to examine and discuss a bill so important in its consequences? Was this giving the minority here a fair opportunity of being heard? If this was not hasty legislation, he knew not what was. Moreover, after the bill passed the Senate with an amendment, and came back to this House for its concurrence, it was passed through, under the application of the previous question, without a single moment's debate! The majority on this floor might stifle discussion here, but they could not gag the Executive; they could not, by their admirable rules, deprive him of the rights conferred on him by the Constitution.

It is strange, passing strange, that gentlemen cannot discuss the important principles involved in this bill, without casting opprobrious epithets upon the Democratic party. We have been held answerable for what gentlemen are pleased to call the sins of the President. Whilst the Whigs have all the distinguished offices and posts of honor, and nearly all the patronage of the Government, we are charged with having seduced the President from his allegiance to the Whig party, in order to obtain the "spoils!" He (Mr. W.) took occasion to say that, so far as the remark was designed for him, it was certainly untrue. He never desired any office from the Executive. He sustained the President in some of his acts, because he believed they were calculated to promote the public good. He believed that the President was, upon many great measures, a republican, and actuated by a sincere desire to advance the interests, and secure the prosperity, of the people. For the expression of this opinion, he might be called the friend and peculiar advocate of the Executive. It was a matter of no importance to him. He cared little about men, except so far as they were instrumental in carrying out great principles. He should soon go to the rich valley of the Ohio, where he hoped to find a constituency capable of appreciating his motives. He would appeal to them for the rectitude of his conduct; and, if put down, he would retire from Congress with more pleasure than he came here.

Mr. W. then referred to the various epithets which had been applied to the Democratic party during this debate. We have, said he, been called *Locofocos*, *Agrarians*, &c. Sir, these terms are always applied to those who appear before the public as the advocates of popular rights. If to be opposed to exclusive privileges—if to demand that, in

the eye of the law, the poor man shall be placed on an equality with the rich—if uncompromising hostility to every device which enables one portion of the community to live by the sweat and toil of the other—be *Locofocoism*, then, sir, I am a *Locofoco*, dyed in the wool.

This Whig party (said Mr. W.) came into power with an unprecedented majority. They have attempted to fasten upon the Government some of the odious Federal measures of 1791. Public attention has been directed to their acts; the eyes of the people are now opened, and no humbuggery can again deceive them. You have taken advantage of their credulity once, and they will not again confide in you. You are now in the majority here; but you will, ere long, be driven from the high places to which, in an evil hour, you have been elevated. The sovereign power of the people will recall you to that retirement from which you ought never to have emerged. Old scores must be adjusted, and a "new set of books opened." In those new books you will find that your names are not recorded amongst the "elect." According to the best calculation he (Mr. W.) had been able to make, one hundred and twenty of those now present would, at the commencement of the next Congress, be found in the shades of private life. The seats which you now occupy, and with which you are so familiar, will soon know you no more forever. The sceptre has departed from your hands. You have played a few "fantastic tricks before high Heaven;" but your race is run. Your eloquent voices will no longer be heard in these halls. Should he (Mr. W.) again be elected, and could spare time from his congressional duties, he would take great pleasure in visiting them in their retirement. He might be able to console them for the loss of the glory and honor of public life. He trusted the same philosophy which sustained them through so many disasters and defeats in days past, would characterize them in their retirement.

But for the course of remarks indulged in by gentlemen on the other side, in connexion with their conduct at the extra session, he would not have alluded to the present unfortunate condition of this universal Whig party. If they had pursued a magnanimous course, and avoided exulting over us after we had been signally defeated, his lips should have been sealed on this subject. But he could not forget with what exultation they opened the "extra session"—he could not forget the bitter taunts thrown upon us when it was supposed we were crushed to the earth. They supposed that the power they then held was to be theirs forever. Alas! how short-sighted is man! How uncertain all political honors! To-day, in a triumphant majority; to-morrow, in a lean and hungry minority.

To-day, Whigery beholds posts of honor and fat offices in the perspective; but to-morrow the stern voice of the people dispels the blissful vision.

In the canvass of 1840 it was well known that Mr. Tyler did not agree in principle with the great mass of the Whig party. He was selected because of his locality, and with the hope that his old-fashioned republican notions would give additional strength to the Whig ticket. So anxious were they to defeat the Democratic party, that they did not stop to scrutinize very closely the peculiar doctrines entertained by their candidates. They said, in the language of one of their favorite songs—

"We'll go for Tippecanoe and Tyler too,  
Without a why or wherefore."

You are now reaping the fruits of that policy. When you came into power, you attempted to carry everything by legislative *caucus*—a caucus to control not only the legislative department of the Government, but to exercise a supervisory power over the Executive was instituted. The President was soon given to understand that he must administer the Government with an eye to secure the succession to their favorite of the West, [Mr. Clay.] If any man dared to disobey the mandates of this legislative *junto*, he was denounced; if he set up his opinions in opposition to theirs, he was un-Whigged. Whenever any question came up in this House suddenly, and any difficulty was found to exist, an adjournment was immediately moved, and a caucus held in some of the committee-rooms of this Capitol, to see if the refractory members of this *universal Whig party* could not be whipped in! The next day the edict of the majority was registered in the twinkling of an eye. It was really amusing to the Democratic minority here to witness the salutary effect of a caucus-drill upon refractory subjects. Yet there was a little band—the *guard*—who could not be kept in the traces; they had a great deal of the true spirit of republicanism yet left; they had too much of that proud independence—too much of that hatred of tyranny which should always characterize the American statesman, to submit to insolent dictation. They resisted the power of the caucus; and, from that day to this, they have been abused and vilified by the dominant party here. They have, however, defended themselves gallantly. To see a small band of five or six men standing up against the whole force of the *universal Whig party*, and stemming the torrent of their abuse, was well calculated to excite one's admiration.

Mr. W. then referred to the history of the extra session, and the efforts made to induce the President to sign the bank bill. He (the President) told them that he was a republican of '98—that, believing in a strict construction of the Constitution, he could

not find anything in that instrument authorizing the creation of a bank. He referred them to his past history, and to the uncompromising hostility which he had always manifested towards such an institution. He reminded them of the solemn oath which he had taken to maintain and defend the Constitution. What cared they for all this? The "*universal Whig party*" in caucus had decided that the measure must pass; and to their will Mr. Tyler must sacrifice his opinions and his conscience. Never before has this country witnessed so bold an effort to break down the independence of the Executive, and make him the subservient tool of the legislative department. Because Mr. Tyler has dared to disobey the commands of the majority here—because he has dared to maintain the principles hitherto advocated by him, he is denounced as a *traitor*. A traitor to whom? To his country? To that glorious Republic over which he presides? No sir, no; but a traitor to this *universal Whig party*!

Mr. W. then alluded to the manner in which the caucus was operating upon the subject of the tariff. He had no doubt that gentlemen had found great difficulty in the adjustment of this matter. A great contrariety of opinion existed, and various interests were to be reconciled. Each man must have the particular manufactories which were located in his district protected, or he threatened to go against the whole bill. He supposed the gentleman near him from Rhode Island [Mr. TILLINGHAST] would demand that the *pin* manufactories should be protected!

Mr. TILLINGHAST said there were no pin manufactories in his State.

Mr. WELLER thought the gentleman had last summer presented a bill or a memorial on that subject.

Mr. TILLINGHAST said it was true that the Committee on Manufactures had directed him to report a bill for the protection of pins; but the petition came from New York, and not Rhode Island.

Mr. WELLER said he might have been mistaken. Some gentlemen near him suggested that the member might have made a movement for the protection of *pills*. As the State was a small one, and making *pills* a small business, perhaps they had engaged in it. Be this as it might, there were interests enough in the caucus demanding protection.

He then adverted to the circumstances under which Mr. Tyler had been elected, his position upon the bank and tariff questions, the efforts made by the dominant party here to "head" him; and closed by remarking, that the whole matter must soon be submitted to the people. Upon their decision he relied.